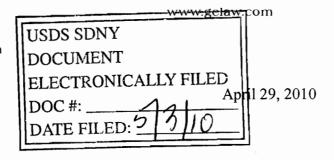
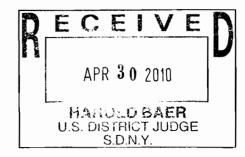


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By Hand

Honorable Harold Baer, Jr.
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Blessing v. Sirius XM Radio, Inc., No. 09 Civ. 10035 (HB)

Dear Judge Baer:

Pursuant to Your Honor's rules, I write on behalf of Plaintiffs to inform the Court that Plaintiffs intend to file an amended complaint addressing certain arguments that Defendant Sirius XM Radio, Inc. has raised in its pending motion to dismiss. In response to Defendant's argument that Plaintiffs lack standing to pursue claims under certain state consumer protection statutes, Plaintiffs will amend the existing complaint in order to add additional named plaintiffs. The March 4, 2010 Scheduling Order permits Plaintiffs to add additional parties until May 1 (which is a Saturday). In addition, the amended complaint will make minor changes to the allegations regarding Plaintiffs' consumer protection claims. In particular, Plaintiffs will add a request for damages under the California Consumer Legal Remedies Act ("CLRA"), Cal. Civ. Code § 1750, et seq., which Plaintiffs are permitted to do as of right under the CLRA.

The amended complaint will be served on May 3 (along with Plaintiffs' brief in opposition to Defendant's motion to dismiss.

Respondibly

Respondibly

Respondibly

Respondibly

Respondibly

Respondibly

Date:

Date:

Endorsement:

Under my rules there is no need to file the brief you refer to - the defendant will if he thinks it appropriate file another motion to dismiss given the right to amend, you availed yourself of it - you have no more such rights and we will see what the defendant does - I will not read this unnecessary expensive piece of scholarship and hopefully you won't bill for it.